

Request for extension of time under 37 C.F.R. §1.136

Assignee herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Final Office Action dated November 19, 2002 for 3 month(s) from February 19, 2003 to May 19, 2003.

Please charge Deposit Account #02-2666 in the amount of:

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| _____ | (\$110.00 for a one month extension) |
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to cover the cost of the extension.

REMARKS

Reexamination and reconsideration of this application, as amended, is requested. Claims 1, 3-20, and 22-23 remain in the application.

No new claims have been added.

Response to the 35 U.S.C. §103(a) Rejection

The Final Office Action rejects claims 1, 3-20, and 22-23 under 35 U.S.C. §103(a) as being unpatentable over Amin et al. (US 6,353,398) in view of Titmuss et al. (US 6,397,040). Applicants respectfully traverse this rejection in view of the remarks that follow.

1) THE PROPOSED MODIFICATION OF TITMUSS ET AL. WOULD RENDER THE STRUCTURE OF AMIN ET AL. UNSATISFACTORY FOR ITS INTENDED PURPOSE

As discussed in M.P.E.P. §2143.01, if a proposed modification would render the device shown in the cited patent being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The Final Office Action indicated that the structure shown in Amin et al. could be modified to include the concept of user's preferences as taught by Titmuss et al. because it would help to reduce the irrelevant information to be delivered to the user.

However, Applicants respectfully submit that the combination of Amin et al. and Titmuss et al. cannot make Applicants claimed invention obvious because the teachings of Titmuss et al. would render the structure taught in Amin et al. unsatisfactory for its intended purpose.

With reference to FIG. 2, Amin et al. describes an information distribution system that pushes information to a user, based at least in part, on the location of the user. The information sent is based in part on movement detection provided by a global position system. (Column 3, lines 51-53) As a user moves within a region, the directed information system pushes information to the user in connection with the movement. (emphasis added) Upon notification of the user's location, the directed information system links relevant information that is associated with the particular geographical location and subsequently provides the information to the GPS to be transmitted to the user. As the user moves, different audio and visual information is pushed in connection with the movement. For example, as a user is within a first region, internet data associated with a first storage data section is pushed to the user. As the user moves to a second geographical location, data associated with a second storage data section is pushed to a user (emphasis added) (column 3, lines 55-67).

Amin et al. goes on to suggested that advertisers and/or retailers may then determine what information gets pushed to the user based on a variety of factors. For example, an advertiser may push information demographic data (e.g. income level). Amin et al. makes clear that the value of the information system is that the system can determine what information gets sent or pushed to the user. In other words, the system, not the user, determines what information is displayed to the user.

In contrast, the Final Office Action states that Titmuss et al. teaches that the device sets information so that the user, not the system determines what information is display to the user. Thus, Applicants respectfully submit that one skilled in the art would not be motivated to modify the teaching of Amin et al. in accordance with Titmuss et al. because such a modification would destroy the intended purpose of the information system taught by Amin et al. In particular, the system of Amin et al. has the purpose of allowing the system (i.e. advertisers, store owners, etc.) to decide what information is sent. By modifying the system of Amin et al. as suggested by the Final Office Action, this purpose would be

destroyed. For example, an advertiser would not want a system where the user has the ability to reject the advertisements.

Accordingly, Applicants respectfully submit that the proposed modification of Amin et al would destroy the intended purpose and/or benefit of the geographical information system that is based on pushing data to a user. Therefore, Applicants respectfully submit that the combination of Amin et al. and Titmuss et al. cannot make Applicants' claims 1, 3-20, and 22-23 obvious, because the modification proposed in the Final Office Action would make the structure of Amin et al. unsatisfactory for its intended purpose. Thus, there can be no motivation to combine Amin et al. and Titmuss et al. as suggested in the Final Office Action. Accordingly, Applicants respectfully traverse the rejection of claims 1, 3-20, and 22-23 in view of the combination of Amin et al. and Titmuss et al.

PATENT APPLICATION
042390.P10396

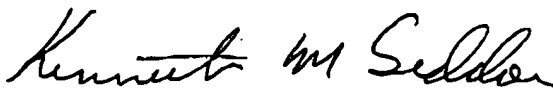
Conclusion

The foregoing is submitted as a full and complete response to the Final Office Action mailed November 19, 2002, and it is submitted that claims 1, 3-20, and 22-23 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of amended claims 1, 3-20, and 22-23 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,
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